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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States District Court

United States District Court

Southern District of Texas

ENTERED

July 13, 2021

Nathan Ochsner, Clerk

United States of America,

versus

Elda Regalado Olivarez,

Defendant.

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Criminal Action H-12-0773-2

Opinion on Compassionate Release

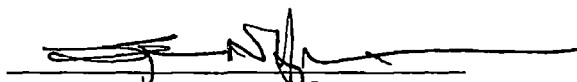
Elda Regalado Olivarez moves for compassionate release under 18 U.S.C. § 3582(c)(1)(A). Olivarez says that she has increased risk of harm from contracting Covid-19 because of her medical issues including respiratory and cardiatic illnesses, obesity, and a cyst on her kidney. Olivarez also says that she needs to care for her elderly mother.

A court can modify a term of imprisonment by granting compassionate release under 18 U.S.C. § 3582(c)(1)(A) after a defendant fully exhausts their administrative rights and if the court also finds that extraordinary and compelling reasons warrant a modification. Relief under § 3582(c)(1)(A) is discretionary and ultimately depends on the court's consideration factors found in 18 U.S.C. § 3553(a).

Olivarez asks for release when her risk is lower because the spread of Covid-19 is reduced by introducing the vaccine into the prison system. A generalized fear of Covid-19 does not warrant her release. Her mother's health or her own medical issues also are not extraordinary. Olivarez also does not show that she would behave if released as she previously reoffended soon after being released from prison when caring for her family. Olivarez's sentence reflects the seriousness of her long history of drug trafficking and the drug offense that brought her back to prison.

The motion is denied. (407)

Signed at Houston, Texas, on June 11, 2021.


Lynn N. Hughes
United States District Judge